

SUMMARY REPORT DIGEST-
COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT

251575

DATE OF REPORT (DAY-MO-YEAR)

29 June 1999

07 June 1999T

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or
 in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
 SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE
 ATTENTION ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
 ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM-INVESTIGATOR'S NAME		RANK	STAR NO.	SOCIAL SEC. NO.	EMPLOYEE NO.	UNIT ASSIGN.	
Johnna M. Anderson		Inv	133			113	
ADDRESS OF INCIDENT		DATE OF INCIDENT - TIME		BEAT OF INCIDENT	LOCATION CODE*		
3500 W. 83rd St. - on the street		03 Feb 99 2115		834	17		
ACCUSED	NAME	RANK	STAR NO.	SOCIAL SEC. NO.	EMPLOYEE NO.	UNIT ASSIGN.	
	1. Kevin Muth	PO	17616			008	
	2. Timothy Clancy	PO	11337			008	
	SEX/RACE D.O.B.	DATE OF APPOINTMENT		DUTY STATUS (TIME OF INCIDENT)		PHYS. COND. CODE*	
1. M/W	65	02 May 94		<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY	<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	01	
2. M/W	69	01 Aug 94		<input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY	<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	01	
IF APPLICABLE - DATE ARRESTED/INDICTED		CHARGES		COURT BRANCH	DISPOSITION & DATE		
1.							
2.							
COMPLAINANTS	NAME	*ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE*
					M/H	80	03
VICTIMS	NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE*
WITNESSES	NAME	ADDRESS**	CITY STATE	TELEPHONE	SEX/RACE	D.O.B./AGE	PHYS. COND. CODE*
					M/H	82	01

SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

On 09 February 1999 at approximately 1705 hours, the complainant telephoned the Office of Professional Standards and registered a complaint with Investigator Nollan #22. It is alleged that on 03 February 1999 at approximately 2115 hours, at 3500 W. 83rd, on the street, Officer Muth, 1) grabbed him and threw him to the ground, 2) punched and kicked him on the face and about the body, and 3) verbally abused him.

It is further alleged by the complainant that on the above date, time and location, Officers Forberg, Wujcik, Costello, Eberle, Clifford and Russell, 1) punched and kicked him about the face and body.

I.A.D. LOCATION CODES*

- 01 Food Sales/Restaurant
- 02 Tavern/Liquor Store
- 03 Other Business Establishment
- 04 Police Building
- 05 Lockup Facility
- 06 Police Maintenance Facility
- 07 CPD Automotive Pound Facility
- 08 Other Police Property
- 09 Police Communications System
- 10 Court Room

- 11 Public Transportation Veh./Facility
- 12 Park District Property
- 13 Airport
- 14 Public Property - Other
- 15 Other Private Premise
- 16 Expressway/Interstate System
- 17 Public Way - Other
- 18 Waterway, Incl. Park District
- 19 Private Residence

I.A.D. PHYSICAL CONDITION CODES*

- 01 No Visible Injury - Apparently Normal
- 02 No Visible Injury - Under Influence
- 03 Injured, Not Hospitalized
- 04 Injured, Not Hospitalized - Under Influence
- 05 Injured, Hospitalized
- 06 Injured, Hospitalized - Under Influence
- 07 Injured, Refused Medical Aid
- 08 Injured, Refused Medical Aid - Under Influence
- 09 Deceased
- 10 Deceased - Under Influence

* * IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX.

SUMMARY

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s).
In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

(See Page 2)

ATTACHMENTS	INVESTIGATIVE REPORTS— SUPPORTING ALLEGATION LIST ATTACHMENT NUMBERS: 6, 7	INVESTIGATIVE REPORTS— SUPPORTING ACCUSED MEMBER(S) LIST ATTACHMENT NUMBERS: 25, 29, 33, 37, 41, 45, 52, 57	PHYSICAL EVIDENCE LIST ATTACHMENT NUMBERS: 46A-46D	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE: 59
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Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.

Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for days (not to exceed 5 days).

FINDINGS:

Allegations #1 - #4: Not Sustained against Officer Muth #17616

Allegation #1: Not Sustained against Officers Forberg #18767, Wujcik #18716, Costello #19013, Eberle #6845, Clifford #19013, Russell #18590 and Clancy #11337

APPROVED:

O.P.S. Supervisor Michael Duffy 7/202

DATE INITIATED (DATE COMPLAINT WAS RECEIVED FOR INVESTIGATION)	11 February 1999	DATE COMPLETED (DATE OF THIS REPORT)	29 June 1999	ELAPSED TIME (TOTAL TIME, EXPRESSED IN DAYS)	138 Days
Investigator will initiate the Command Channel Review form by completing the Investigator's Section.					
IF NECESSARY, USE AN 8 1/2 x 11" SHEET OF WHITE PAPER TO CONTINUE ANY ITEM					

ADDITIONAL ACCUSED:

Brian Forberg, PO, Star #18767, SS# [REDACTED], EMP # [REDACTED] Unit: 008, M/W, DOB: [REDACTED]
[REDACTED], DOA: 10 July 1995, On Duty, Sworn, Code: 01

Darlene Wujcik, PO, Star #18716, SS# [REDACTED], EMP # [REDACTED], Unit: 008, F/W, DOB: [REDACTED]
[REDACTED], DOA: 04 December 1994, On Duty, Sworn, Code: 01

Andrew Costello, PO, Star #19013, SS# [REDACTED], EMP # [REDACTED], Unit: 008, M/W, DOB: [REDACTED]
March 1971, DOA: 04 December 1995, On Duty, Sworn, Code: 01

Kevin Eberle, PO, Star #6845, SS# [REDACTED], EMP # [REDACTED], Unit: 008, M/W, DOB: [REDACTED]
[REDACTED] 1968, DOA: 22 November 1993, On Duty, Sworn, Code: 01

Amanda Clifford, PO, Star #19013, SS# [REDACTED], EMP # [REDACTED], F/W, Unit: 008, DOB: [REDACTED]
[REDACTED] 1972, DOA: 10 July 1995, On Duty, Sworn, Code: 01

Lisa Russell, PO, Star #18590, SS# [REDACTED], EMP # [REDACTED] Unit: 008, F/W, DOB: [REDACTED]
1964, DOA: 03 October 1994, On Duty, Sworn, Code: 01

INVESTIGATION:

In a telephone interview, the complainant, [REDACTED], said that on the date and time of the incident, he and his brother [REDACTED] were standing in front of St. Dennis Church mailing some letters. A friend of his brother rode pass in his car and he signaled and yelled for him to come back, but he did not return. A few minutes later 4 or 5 squad cars pulled up and seven males and one female white officer exited their vehicle. One of the officers told [REDACTED] to get against the car. Mr. Munoz stated that he was still putting letters in the mailbox and asked the officers what was the problem and that he works for the city.

Officer Muth grabbed [REDACTED] and threw him against the mailbox. [REDACTED] stated to the officers that this was harassment. Officer Muth then pushed him to the ground and started punching him about the face. The other seven officers began kicking him about the face and body while on the sidewalk. He was picked up, handcuffed and placed in a squad car. His brother was also handcuffed and taken to the station. While in the interview, Officer Muth called [REDACTED] a "bitch". [REDACTED] stated that as a result of this incident he sustained bruises on the forehead, neck and the left side of his face was swollen, but he did not seek medical attention. However, he did contact his physician and request some medication.

INVESTIGATION: (continued)

The complainant, [REDACTED] submitted photographs that were taken on the same day of the incident and were duplicated by Graphic Arts. They reveal bruises on the forehead.

The Arrest Report of [REDACTED] and [REDACTED] indicated that they were charged with Disorderly Conduct. The narrative of the report revealed that [REDACTED] was observed flashing gang signs at passing motorist. He was given a field interview inquiring about his actions and his brother, [REDACTED], intervened becoming loud and belligerent towards the officers. The least amount of force necessary was used to effect the arrest.

In a telephone interview, the witness [REDACTED], brother of [REDACTED], gave basically the same account of the incident. He further added that Officer Muth told them that they look like gangbangers. Additionally, [REDACTED] stated that he was standing a few feet away from the incident and two of the officers told him to turn his head so that he could not observe what was taking place.

A canvass of the area yielded negative results.

Officer Muth related in his report that while in route to the residence of a home invasion offender, he and his partner, Officer Clancy, observed [REDACTED] flashing gang signs at passing vehicles while standing on the corner as citizens were leaving services at St. Dennis Church. He approached [REDACTED] for a field interview to question his actions, he continued to represent his gang with these signs and refused to stop. As he and his partner were attempting to place [REDACTED] under arrest, [REDACTED] interfered by shouting obscenities and becoming loud and belligerent towards them. Officer Muth stated that [REDACTED] was told several times to leave the area and cease his actions but he refused. A protective pat down was attempted but [REDACTED] became combative and started punching at them. The least amount of force was used to effect the arrest and both [REDACTED] and [REDACTED] were then placed under arrest. He denied all allegations of misconduct.

Officer Clancy submitted a report in which he basically gave the same account of the incident as his partner, Officer Muth. Additionally, he stated that [REDACTED] was flailing his arms toward him and the other assisting officers and refused to cease his actions and place his hands behind his back. He also denied all allegations of misconduct.

Officer Forberg submitted a report in which he basically gave the same account of the incident as Officer Clancy. He added that while he was attempting to place [REDACTED] into custody he actively resisted by flailing his arms wildly and moving away from him at which time he was taken to the ground and placed in custody. He denied all allegations of misconduct.

INVESTIGATION: (continued

In her submitted report, Officer Wujcik gave basically the same account of the incident as her partner, Officer Forberg. She added that [REDACTED] swung his arms in an attempt to punch the officers. He was taken to the ground and handcuffed.

In his submitted report, Officer Costello essentially gave the same account of the incident as Officer Wujcik. He further stated that [REDACTED] repeatedly failed to follow the verbal directions and attempted to defeat arrest of Luis Vega. He denied all allegations of misconduct and stated that he never made any physical contact with [REDACTED].

In his submitted report, Officer Eberle gave basically the same account of the incident as his partner, Officer Costello. He denied all allegations of misconduct.

In her submitted report, Officer Clifford stated that she and her partner, Officer Russell responded to a tactical unit asking through dispatch for a transport unit. She further stated at no time did she have any physical contact with [REDACTED] other than transporting him to the 008th District.

In her submitted report, Officer Russell gave basically the same account of the incident as her partner, Officer Clifford. She also stated that she had no physical contact with [REDACTED]

CONCLUSION:

It is recommended that the allegations against the involved officers be given a finding of Not Sustained. The complainant and the witness were interviewed and related essentially the same account of the incident. The involved officers gave essentially the same account of the incident. Either account of this incident is plausible, however, there is no independent evidence/information available to corroborate either account of this incident.

/llb